REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on September 15, 2005, and the references cited therewith.

Claims 1, 7, 14, 21, 27, and 34 are amended, and no claims are canceled or are added; as a result, claims 1-37 are now pending in this application.

§ 102 Rejection of the Claims

Claims 1-37 were rejected under 35 USC § 102(b) as being anticipated by Smith, et al. (U.S. Patent No. 5,267,322). Applicant respectfully traverses the rejection as follows.

The Abstract of the Smith reference states, "[A] voice messaging system under control of the program causes gain attack and decay on the audio signal represented by the subframes which attack and decay appear to occur without delay to a user of the audio signal." In contrast, the Introduction of the present application, on page 1, lines 4-7, recites:

> In the United States, the Federal Communications Commission (FCC) provides a registration procedure for equipment connected to the Public Switched Telephone Network (PSTN) in order to protect the telephone network from signal overload.

On page 1, lines 13-16, the Introduction of the present application recites:

> For example, FCC Part 68 states that the power of other than live voice signals, e.g., encoded analog content, delivered to a 600 Ohm termination during the non-signaling mode and for other inband systems shall not exceed -13 dBm (decibel milliwatts) when averaged over any 3 second interval.

Thus, the purpose of the invention described in Smith appears to differ markedly from the disclosure of the present application. That is, while Smith appears to deal with gain to improve sound quality for the user of an audio signal, the present application concerns processing gain to satisfy FCC rules and regulations governing outgoing signals entering the PSTN.

The Smith reference appears to describe that "[T]he telephone interface elements 20 include one or more analog interface modules 24, which receive incoming calls on a public switched telephone line 70." (Col. 5, lines 27-29). However, from Applicant's review, Smith does not describe measuring a power level of an outgoing voice signal stream and adjusting the power level of the

outgoing voice signal stream by applying a gain value to the outgoing voice
signal stream.

In contrast, Applicant's independent claim 1, as amended, recites:

a measurement module including program instructions to
measure a power level of an outgoing voice signal stream;
a gain factor setting module including program
instructions to set a gain value by comparing the measured power
level to a threshold; and
a gain adjustment module including program instructions
to adjust the power level of the outgoing voice signal stream by
applying the gain value to the outgoing voice signal stream.

Applicant's independent claim 7, as amended, recites:

a gain adjustment module to receive an outgoing voice
signal stream from the switch, the gain adjustment module
including program instructions to adjust a power level of the
outgoing voice signal stream by applying a gain value to the
outgoing voice signal stream;
a measurement module including program instructions to
measure a power level at a number of segments of the outgoing
voice signal stream;

Applicant's independent claim 14, as amended, recites:

a voice signal source to produce an outgoing voice signal
stream, the voice signal source coupled to a Public Switched
Telephone Network (PSTN);

Applicant's independent claim 21, as amended, recites:

receiving an outgoing voice signal stream;
measuring a power level of the outgoing voice signal
stream at a number of points in time;
comparing at least one of the power levels measured at the
number of points in time with a threshold; and
adjusting the power level of the outgoing voice signal
stream based on the comparison.

Applicant's independent claim 27, as amended, recites:

receiving an outgoing voice signal stream;
measuring a power level of the outgoing voice signal
stream at a number of points in time;
comparing at least one of the measured power levels with
a threshold; and
adjusting the power level of the outgoing voice signal
stream based on the comparison.

In addition, Applicant's independent claim 34, as amended, recites:

measuring a power level of <u>an outgoing</u> voice signal stream at a number of points in time;

comparing a number of the power levels measured with a number of thresholds; and

gradually adjusting the power level of the <u>outgoing</u> voice signal stream over time based on the comparison to bring the power level toward a target output level.

Support for amending independent claims 1, 7, 14, 21, 27, and 34 by adding "outgoing" can be found in the specification of the present application. On page 3, lines 8-9, the specification recites, "[P]rogram instructions can adjust a power level of the output signal by changing a gain value applied to the signal." Further support for changing the gain of an outgoing signal can be found in dependent claim 31, which recites, "adjusting the power level includes adjusting before the signal stream enters a T1 channel connected to a Public Switched Telephone Network." Moreover, Figure 2 of the present application illustrates an embodiment in which a voice data source is processed by a gain controller before being transmitted to an output channel that is connected to a PSTN.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 7, 14, 21, 27, and 34, as amended, is not present in the Smith reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection of independent claims 1, 7, 14, 21, 27, and 34, as well as those claims that depend therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.
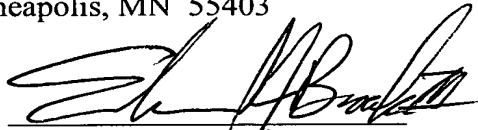
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